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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BARBARA BROUGHEL

Plaintiff,

v.

THE BATTERY CONSERVANCY, WARRIE
PRICE, CLAIRE WEISZ AND MARK YOES,
"DBA" WEISZ + YOES

Defendants.

07 Civ. 7755

**DECLARATION OF FREDERIEKE
TAYLOR IN SUPPORT OF
PLAINTIFF'S MOTION FOR A
PRELIMINARY INJUNCTION**

FREDERIEKE TAYLOR hereby declares, pursuant to the penalties of perjury under 28 U.S.C. 1746 that the following statements are true and correct.

1. I was born 1940 in the Netherlands. I received a BA from Leiden University in 1962 and an MA from Yale University in 1965. I directed the Institute for Architecture and Urban Studies in NYC, was the Executive Director of the Lower Manhattan Cultural Council and Director of the MacDowell Colony and The Skowhegan School for Painting and Sculpture in Maine. I have organized exhibitions including "Deconstructivist Architecture" with Philip Johnson for the Museum of Modern Art, the Sculpture Center and private galleries, as well as the 55 Ferris Street exhibitions in Brooklyn. I am a past President of Art Table, and am presently a member of the Architecture and Design Committee at MOMA, on the Board of the Meredith

Monk House Foundation, the Lower Manhattan Cultural Council, and am on the Advisory Committee of the Storefront for Art and Architecture and Franklin Furnace Archives.

2. Since 1993 I have had my gallery, initially called the TZ'ART gallery, in Soho, which became the Frederieke Taylor Gallery ("Gallery") when I moved to Chelsea in 2001. The Gallery is located at 535 West 22nd Street in Chelsea. Recent shows have explored the current discourse of science and technology with a tendency towards irony and formal beauty. The program focuses on emerging and established artists who work conceptually within the boundaries of architecture, science, painting, photography and video. The Gallery exhibits contemporary work in all media, often conceptual in nature, combining architectural and spatial concerns with a tendency towards irony and formal beauty. The Gallery exhibits projects and installations by established artists such as Mel Chin and Jackie Ferrara, as well as work by emerging artists, including Franco Mondini-Ruiz, Jean Shin, Lisa Sigal, and Long-Bin Chen. The Gallery is also known for showing architecture and design in an art context and organizes at least one group show of new, young artists each year.

3. I am the gallery and agent for Artist Barbara Broughel in New York. She is also represented by the Barbara Krakow in Boston, Massachusetts. Barbara Broughel is a distinguished and widely respected sculptor whose work has been exhibited for over twenty-five years through the United States, Europe and beyond.

4. Attached to this Declaration as Exhibit A is a description and announcement of the most recent exhibition of Barbara Broughel.

5. I represented Barbara Broughel at the time that she was awarded the commission to participate as the artist on the Battery Park Carousel Project which is the subject of this litigation.

6. On 17 March, 2005, I hosted a reception at my apartment for Barbara Broughel and the Carousel Project. I did a show, "Barbara Broughel: *studies for the Battery Carousel*", exhibiting the watercolors and model that Ms. Broughel had created in connection with the award of the commission at the gallery from March 17 to April 16, 2005. The show received a wonderful review in the New York Sun. A copy of the press release for the exhibition at my Gallery of the model and the watercolors is attached hereto as Exhibit B.

7. I am aware of the fact that Barbara Broughel had some difficulty in her participation on the design team. I specifically recall attending a meeting in or about April 2006 at which she articulated her concerns that the architects did not want an artist on the Project and that she was being excluded from participating fully.

8. I am also aware that Barbara Broughel was terminated before she was able to complete the commission, and her name has been removed as artist on the Battery Park Carousel Project.

9. I am unfamiliar with the specific circumstances which led to her termination. I can state, however, that the loss of this commission invariably will have a negative impact on her career. The loss of the opportunity to complete this commission and the failure to credit her for work she already completed constitutes a significant loss of marketing potential for the Gallery as its agent for the Artist.

Executed on March 28, 2008, New York, New York


FREDERIEKE TAYLOR